



EUROPEAN COMMISSION

Competition DG

Policy and Strategy
Strategy and Delivery

OPINION

of the ADVISORY COMMITTEE on MERGERS

given at its meeting of 6 May 2008

regarding a draft decision relating to

CASE COMP/M.4854 – TomTom/ Tele Atlas

Rapporteur : IRELAND

1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the EC Merger Regulation and that it can be deemed to have a community dimension pursuant to Article 4(5) of that Regulation.
2. The Advisory Committee agrees with the Commission that this is a vertical merger comprising the following relevant product markets:
 - Navigable Digital Map Database - Upstream market.
 - Navigation Software- Intermediate market.
 - Portable Navigation Devices – Downstream market.
3. The Advisory Committee agrees with the Commission that the relevant geographic market for Navigable Digital Map Database is worldwide in scope.
4. The Advisory Committee agrees with the Commission that the relevant geographic market for Navigation Software is worldwide in scope.
5. The Advisory Committee agrees with the Commission that the relevant geographic market for Portable Navigation Devices is EEA-wide in scope.
6. The Advisory Committee agrees with the Commission's conclusion that the merged entity may have the ability to increase price or degrade quality/delay access to Navigable Digital Map Databases to some of its competitors in the Portable Navigation Devices and Navigation Software markets.
7. The Advisory Committee agrees with the Commission's conclusion that the merged entity would have no incentive to increase the price or degrade quality/delay access to Navigable Digital Map Databases to its competitors in the Portable Navigation Devices and Navigation Software markets.
8. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration is not likely to result in any anti-competitive impact to the detriment of consumers.

9. The Advisory Committee agrees with the Commission's conclusion that the proposed concentration will not result in a significant impediment of effective competition in the common market or a substantial part of it.

10. The Advisory Committee agrees with the Commission that the notified concentration should therefore be declared compatible with the common market pursuant to Article 8(1) of the EC Merger Regulation.

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